

REMARKS/ARGUMENTS

The claims have amended to a format previously presented. The Examiner had made a restriction requirement in the Office Action of April 8, 2005. The Applicant submits that the cancellation of the claims that were the subject of the restriction requirement has rendered the restriction requirement moot.

The Applicant also addresses here rejections and objections raised in the Office Action of June 16, 2004 against claims of the format previously presented.

In particular, new claim 11 complies with the restriction requirement to 5'-GCAUGG-3' made in our reply of 3-22-04 in response to the Office Action of November 20, 2003. In addition, new claims 1, 14 and 15 comply with the restriction requirement made in the Office Action of July 3, 2002.

With respect to the Examiner's rejections under 35 USC 112, the term "bottom end" has been deleted from the claims. The terminology objected to in former claims 18 ("the fourth nucleotide 3' to the cleavage site is capable of forming a triplet ...") and 19 (now canceled) are no longer in the new claim set. Furthermore, Applicant submits that the recitation of "characterized in that" and other claim amendments made to claim 1 overcome the written description rejection.

In particular, support for the claims is provided in the following text and in the table below.

New claims 1, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 34, 35, 37, 38, 39, 40, 42, 43 and 44 relate to a nucleic acid enzyme whereas new claims 31 to 33 relate to a method for cleaving a nucleic acid substrate with such an enzyme.

The nucleic acid claims have been amended to refer to secondary structure of the enzyme and to recite a two-part claim format.

Section (a) of new claim 1 finds support in section (iv) of original claim 1.

Section (b) of new claim 1 finds support in Example 5 (page 30) and Figures 2 and 3, where the P3 region is clearly indicated and shown to be capped by the L3 loop. Further, this region is also shown in Figures 1, 4, 6 and 7b.

Section (c) of new claim 1 finds support on pages 10 (lines 32 - 33) and 11 (line 14), Example 5 (page 30), and Figures 1-3 and 7B, where the P2 region is clearly indicated. Further, this region is also shown in Figures 4 and 6.

Section (d) of new claim 1 finds support in Figures 2 and 3, where the J4/2 region is clearly indicated. Further, this region is also shown in Figures 1, 4, 6 and 7B.

Section (e) of new claim 1 finds support on pages 10 (line 34) and 11 (lines 9 and 14), Example 5 (page 30), page 7 (line 15) and Figures 1 - 4 and 7B, where the P4 region and the first homopurine base-pair are clearly indicated. Further, this region is also shown in Figure 6.

Section (f) of new claim 1 finds support on pages 11 (line 11) and 27 (line 25), Example 5 (page 30), and Figures 1 - 4 and 7B (via dotted lines as noted on page 11), where the P1.1 region is clearly indicated.

Support for the other claims is indicated below.

Claim(s)	Support
4	Figures 1 - 4, 6 and 7B
5	page 10 (line 19)
6	Figures 1 - 4, 6 and 7B
8	Figures 1 - 4, 6 and 7B; page 11 (line 11)
10, 11, 12	Figures 1 - 4, 6 and 7B
34	Example 4 (page 30); Figure 3
13, 14, 15	Original claims 26, 23, 24
35, 36	Example 5 (page 30); Figure 4
16, 17	Original claims 29, 30
31	Original claims 1 - 7
32, 33	Original claims 13 and 14
37	Figures 1 - 4, 6 and 7B; page 11 (line 8)
38	Figures 1 - 4, 6 and 7B
39	Pages 27 (line 17), 11 (line 11) and 9 (line 18)
40	Pages 27 (line 17), 11 (line 11) and 9 (line 18)
41	Figures 1 - 4, 6 and 7B; page 11 (line 10)

42	Figures 1 - 4, 6 and 7B; page 11 (line 10)
43	Figures 1 - 4, 6 and 7B, page 11 (line 11)


Former claims 1-19 stand rejected under 35 USC 102(a) in view of Ananvoranich et al., published in May of 1998. The priority date of this application is April 20, 1998, which is before the publication date of Ananvoranich et al. A certified copy of the Canadian priority application was submitted in a previous response to perfect the priority claim. Applicant requests reconsideration of the claims and withdrawal of this objection.

We authorize the Director to charge any excess claim fees to Deposit Account Number 19-2550.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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